



# Overview of NRC Staff Analysis of License Termination Rule Issues and Options for Resolving the Institutional Control Issue

NMA/NRC Uranium Recovery Workshop

Robert A. Nelson, Chief  
Uranium Processing Section, NRC

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# Purpose:

- Inform NMA about recent NRC decommissioning policy decisions and explain the relationship to UMTRCA sites

# Presentation Outline

- Background
- Institutional Control Issue
- Approved Options
- Relationship to UMTRCA Sites

# Background

- License Termination Rule (LTR) in 10 CFR 20 Subpart E finalized in 1997
  - Radiological criteria for termination of NRC licensed sites
  - Does not apply to uranium recovery facilities under 10 CFR 40, App. A
  - Staff and licensee experience identified implementation issues



# Background Contd.

- Commission direction
  - Analyze implementation issues
  - Recommend options to the Commission
  - Emphasize resolving institutional control issues for restricting future site use

# Background Contd.

- Staff analyzed nine issues
  - Institutional controls
  - Relationship between LTR and other release limits
    - Unimportant quantities
    - Separate U/Th standard
    - On-site disposal
  - Controlling disposition of solid materials

# Background Contd.

- Realistic exposure scenarios
- Measures to prevent future legacy sites (complex and costly cleanups)
  - Changes to financial assurance
  - Changes to licensee operations
- Intentional mixing
- Results publicly available in SECY-03-0069 and SECY-04-0035

# Institutional Control Issue

- Background on LTR license termination options
  - Unrestricted use, restricted use, or alternate criteria
  - Commission prefers unrestricted use
  - Restricted use and alternate criteria could be used in rare cases
  - Institutional controls required for restricted use and alternate criteria



# Institutional Control Issue Contd.

- Issues: Difficulties arranging institutional controls
  - Governments (DOE, States) and Tribes unwilling to accept ownership of private sites
  - Lack of independent third party and long-term continuity
  - Long-term effectiveness of institutional controls
  - Unclear flexibility of existing LTR risk-informed graded approach to institutional controls

# Commission Approved Options

- Clarify the LTR risk-informed, graded approach for institutional controls
  - Lower risk: legally enforceable (deed restrictions)
  - Higher risk: legally enforceable and durable (government ownership or control)
- New institutional control options involving NRC

# Commission Approved Options Contd.

- NRC monitoring and enforcing after license termination
  - Under legal agreement and deed restriction
  - Includes written NRC authority
  - Concept derived from Commission approved approach for UMTRCA sites
    - Private property in the vicinity of DOE UMTRCA sites
    - DOE could monitor and enforce restrictions under a deed restriction
  - Approach new to NRC and untested
  - Viability depends on local jurisdiction



# Commission Approved Options Contd.

- NRC long-term control possession-only license after remediation
  - Remediation but no license termination
  - License conditions act as the institutional controls
  - Modified from NRC's general license for long-term care of mill tailings sites
- Options are being tested at two sites



# Relationship to UMTRCA Sites

- Options do not apply to UMTRCA sites
- Deed restriction option is similar to mill tailings vicinity property approach
- Exchange implementation lessons